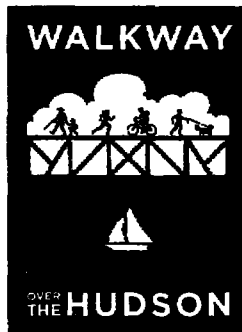


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**SURFACE
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DEC 5 2011

November 28, 2011

231405

Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-565 (Sub-No. 17X)
New York Central Lines, LLC – Abandonment Exemption – in Dutchess County, NY

Dear Secretary:

By decision and notice of interim trail use or abandonment (NITU) served on October 15, 2004 (October 2004 decision), the Surface Transportation Board (the “Board”), under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by New York Central Lines, LLC (“NYC”), of approximately 4.7 miles of railroad line between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 29.5 and milepost QCK 31.0 (the “Line”), in the city and town of Poughkeepsie, Dutchess County, NY.

By decision and notice, served on August 24, 2009 (August 2009 decision), the Board accepted the late-filed request of Poughkeepsie-Highland Bridge Co., Inc., dba Walkway Over the Hudson, a 501(c)(3) non-profit New York corporation (“Walkway”) for a NITU to negotiate with CSX Transportation, Inc. (“CSXT”), as successor to NYC, for trail use for a 0.5-mile portion of the Line between milepost QCK 29.5 and milepost QCK 30.0. Ownership of this 0.5-mile portion of the Line was successfully transferred to Walkway and the Board was advised that a trail use agreement had been reached in a filing dated September, 9, 2009.

In *New York and Eastern Railway, LLC-Discontinuance Exemption-in Dutchess County, NY*, STB Docket No. AB-873X (STB served October 14, 2004), slip op. at 7, the Board granted an exemption for New York and Eastern Railway, LLC (“NYE”) and CSX Transportation, Inc. (“CSXT”) to discontinue service and for New York Central Lines, LLC (“NYC”) to abandon the Line subject to the condition that NYC “consult with Fish and Wildlife Division, Region 5, New York Field Office (“FWS”), U.S. Army Corps of Engineers, New York District (the “Corps”), New York State Department of Environmental Conservation, Division of Water (“NY-DW”), New York Department of State, Coastal Management Program (“NY-CMP”), and Town of Poughkeepsie (the “Town”) prior to initiation of salvaging or disposing of the entire right-of-way.” (the “Condition”).

CSXT is the successor-by-merger to NYC. Neither CSXT nor NYC complied with the environmental Condition. Indeed as evidenced in a letter dated June 24, 2005, and filed with the Board, the New York Department of State (“NYDS”) required the completion of the NYDS Coastal Management Program Federal Consistency Assessment Form. CSXT never completed the form. Nor is there any evidence that CSXT consulted with the other necessary parties. Since CSXT did not consult with the parties necessary to comply with the Condition, Walkway contends that the Condition is a regulatory or legal barrier to consummation and that the consummation deadline will not occur until 60 days after CSXT complies with the Condition. Therefore, Walkway contends that the abandonment

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authority is still in effect, that CSXT has not consummated the abandonment, and the the Line remains eligible for the issuance of a NITU.

Walkway now requests the issuance of an Interim Trail Use Condition, over an approximate 1.0-mile portion of the Line between milepost QCK 30.0 and QCK 31.0, located in Dutchess County, NY. Walkway understands that CSXT has not consummated the abandonment of the 4.2-mile portion of the Line.

A map depicting the right-of-way is attached.

In order to establish interim trail use and railbanking under 16 U.S.C. §1247(d), and 49 CFR §1152.29, Walkway is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by CSX Transportation, Inc. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-565 (Sub-No. 17X).

Walkway acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. By my signature below, I certify service upon CSX Transportation, Inc., by U.S. Mail.

Walkway is filing an original and 10 copies of this letter. A check for the filing fee of \$250 is enclosed.

Poughkeepsie – Highland Bridge Co., Inc.
d/b/a Walkway Over The Hudson

By: _____

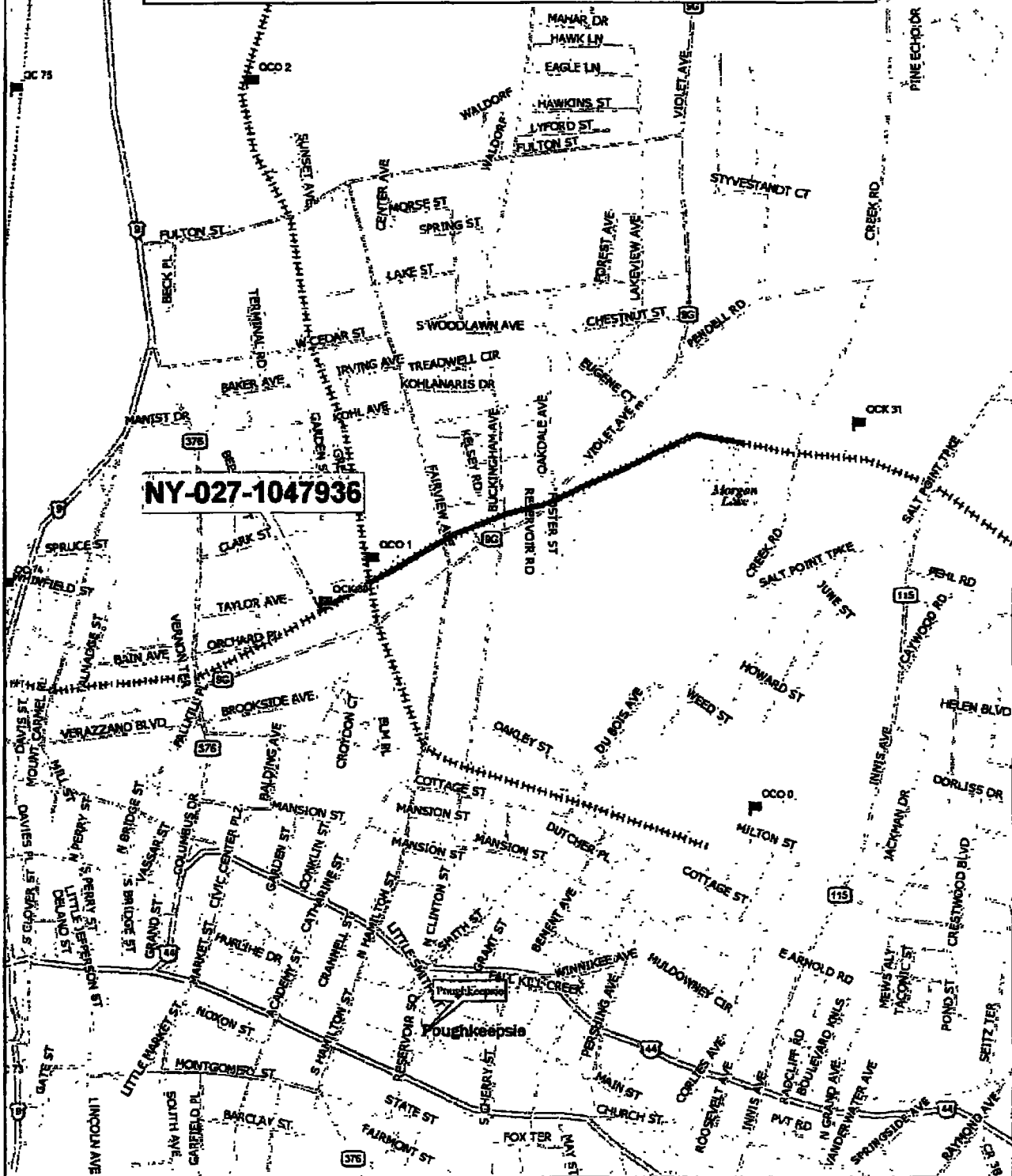


Elizabeth Waldstein-Hart
Executive Director

POUGHKEEPSIE, DUTCHESS COUNTY, NY

VAL MAPS 72364, 72365

SITE SHAPE NOT TO SCALE



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